

ASSEMBLY BILL

No. 2101

**Introduced by Assembly Member Wolk
(Coauthor: Assembly Member Krekorian)**

February 19, 2008

An act to add Sections 1569.695 and 1569.696 to the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

AB 2101, as introduced, Wolk. Residential care facilities.

Existing law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services and specifies that any violation of those provisions is a crime.

This bill would require those facilities to notify residents thereof of rate increases, and to establish and notify residents of procedures for appealing the rate increases based on hardship.

Existing law establishes requirements for any residential care facility for the elderly providing residential care for 6 or fewer persons at which the owner does not reside to provide a procedure approved by the licensing agency for immediate response to incidents.

This bill would require residential care facilities for the elderly with more than 6 persons to establish an emergency plan that includes various elements, including procedures relating to disasters and emergencies, and to submit the plan to the department's Community Care Licensing Division as a condition of initial licensure and renewal.

By expanding the definition of a crime, this bill would result in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1569.695 is added to the Health and
2 Safety Code, to read:

3 1569.695. (a) In addition to any other requirement of this
4 chapter, any residential care facility for the elderly providing
5 residential care for more than six persons shall have an emergency
6 plan that shall include, but not be limited to, all of the following:

7 (1) Evacuation procedures.

8 (2) Provision for emergency power, including backup generators
9 and other necessary power.

10 (3) Provision for water and heat.

11 (4) Other necessary disaster procedures.

12 (b) The plan required by subdivision (a) shall address both of
13 the following:

14 (1) Plans for the facility to be self-reliant for a period of not less
15 than 72 hours immediately following any emergency or disaster,
16 including, but not limited to, a long-term power failure.

17 (2) Procedures for all of the following:

18 (A) Assistance with, and administration of, medications.

19 (B) Storage and preservation of medications.

20 (C) The operation of assistive medical devices that need electric
21 power for their operation, including, but not limited to, oxygen
22 equipment, emergency call buttons, and wheelchairs, as
23 appropriate.

24 (c) Each facility subject to this section shall submit the plan
25 required by this section to the department's Community Care
26 Licensing Division as a condition of licensure or the renewal
27 thereof.

28 SEC. 2. Section 1569.696 is added to the Health and Safety
29 Code, to read:

1 1569.696. (a) Each residential care facility for the elderly shall,
2 in writing, notify each resident of the exact amount of any rate
3 increase not less than 60 days prior to the date of the increase.

4 (b) If a proposed rate increase is more than the most recent
5 cost-of-living increase, the residential care facility shall disclose
6 in the written notice required by subdivision (a) its methodology
7 in determining the rate increase.

8 (c) Each residential care facility shall establish a process for
9 residents of the residential care facility to oppose the rate increase
10 based on financial hardship, and which includes provisions for
11 information and possible residential alternatives for those residents.
12 The notice required by subdivision (a) shall inform residents about
13 the appeals process.

14 (d) The admission agreement shall contain a provision stating
15 that the rates of the residential care facility may increase annually,
16 and that if a rate increase occurs, the residential care facility shall
17 provide the resident with written notice explaining the increase
18 and the process of appeals based on financial hardship.

19 (e) Each residential care facility for the elderly shall provide
20 any prospective resident, as part of its information packet, and as
21 an attachment to the admission agreement, a chart showing the
22 annual rate increase of the residential care facility for the elderly
23 for each year of the preceding five-year period.

24 SEC. 3. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.